BILL NO. S-91-06- 17

SPECIAL ORDINANCE NO. S- 156-91

AN ORDINANCE approving the awarding of Reference #972 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and TRI-RIVER TRACTOR DIVISION for the Water Maintenance & Service Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #972 between the City of Fort Wayne, by and through its Department of Purchasing and **TRI-RIVER TRACTOR DIVISION** for the Water Maintenance & Service Department, respectfully for:

the purchase of one (1) tractor backhoe for the Water Maintenance & Service Department;

involving a total cost of Thirty-Two Thousand Five Hundred Ninety-Four and no/100 Dollars ($32,594.00), all as more particularly set forth in said Reference #972 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Councilmember

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay, City Attorney

REF. NO.:	972
DEPT.:	WATER MAINTENANCE
DATE:	6/11/91
ITEM/SERV.:	TRACTOR BACKHOE

PURCHASING INFORMATION

ADVERTISED BID:	YES
DATES ADVERTISED:	10/15/90 & 10/22/90
OPENING DATE:	11/15/90
WRITTEN QUOTE:	
DUE DATE:	
VERBAL QUOTE:	
SINGLE SOURCE:	
NO. OF VENDORS NOTIFIED:	10
NO. OF VENDORS RECEIVING BID/QUOTE:	5
NO. OF VENDORS RETURNING BID/QUOTE:	3
NO. OF VENDORS DISQUALIFIED:	0
NO. OF VENDORS NOT RESPONDING:	7
DATE SENT TO DEPT FOR RECOMM.:	11/15/90
DATE RECOMMENDATION REC'D IN PURCH:	5/20/91

COUNCIL INFORMATION	DATES SENT	EXTENSION DATES
DATE INFO SENT TO LAW DEPT.:	5/31/91	
INTRODUCTION DATE:	6/11/91	
DISCUSSION DATE:	6/18/91	
PASSAGE DATE:	6/25/91	
ORDINANCE NO.:		

REFERENCE NO. 972
LOADER/BACKHOE
WATER MAINTENANCE & SERVICE

DESCRIPTION	MACDONALD MACHINERY	ALLEN COUNTY TRACTOR SALES	TRI-RIVER TRACTOR
MAKE	CASE	FORD	JOHN DEERE
MODEL	580K	555C	310C
UNIT COST	$34,995.00	$41,510.00	$32,594.00
LESS DISCOUNT	$0.00	$0.00	$0.00
TOTAL	$34,995.00	$41,510.00	$32,594.00
DELIVERY TIME ARO	30-60 DAYS	90 DAYS	15-60 DAYS
VALIDITY OF PRICE	60 DAYS	180 DAYS	60 DAYS

FRONT PAGE/INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
PHONE 219-427-1101

BID OPENING DATE 11-15-90 @ 11:00 AM BID REFERENCE # 972

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR LOADER/BACKHOE PER SPECIFICATIONS

THIS IS A RE-BID OF REFERENCE NO. 958

AND REQUESTED BY WATER MAINTENANCE & SERVICE

THIS BID REQUIRES AXXXX 5% BID BOND, CERTIFIED OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: _____% IF PAID WITHIN _____ DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME Tri-River Tractor Division

STREET ADDRESS 5400 Industrial Rd.

CITY Ft. Wayne, IN PHONE # 482-8576

BY Ed Kensheimer
REPRESENTATIVE SIGNATURE

SPECIFICATIONS FOR HYDRAULIC MOUNTED BREAKER

HYDRAULIC ATTACHING KIT SPECIFICATIONS:

BID PRICE SHALL INCLUDE INSTALLATION OF THE ATTACHING KIT.

CONTROL VALVE MUST USE ELCTRIC ON/OFF.

CONTROL VALVE MUST INCORPORATE A LEVER OR HANDLE TO SELECT THE HYDRAULIC FLOW TO THE ATTACHMENT. MUST NOT REQUIRE FLOW METER OR TOOLS.

CONTROL VALVE MUST HAVE THE ABILITY TO POWER BOTH MOUNTED OR HAND HELD TOOLS. (TOOL CIRCUIT 8 GPM AT 1850 PSI)

CONTROL VALVE MUST INCORPORATE A RELIEF VALVE WITHIN ITS MAIN BODY.

ATTACHING KIT MUST UTILIZE QUICK DISCONNECT COUPLINGS AND ALLOW EASY REMOVAL OF BOOM/DIPPER HOSES.

ATTACHING KIT RETURN LINE CIRCUIT MUST NOT BYPASS STANDARD FILTER/COOLER CIRCUIT.

CONTROL VALVE MUST USE STEEL CONSTRUCTION THROUGHOUT.

ATTACHING KIT MUST PERMIT SINULTANEOUS OPERATION OF THE ATTACHMENT AND THE BACKHOE.

KIT SHALL FIT THE FOLLOWING BACKHOE MODEL:

EXTENDAHOE

1) 580K 1990

QUICK DISCONNECT

WAIN ROY TYPE ONLY, RIGID QUICK DISCONNECT FOR HAMMER AND BUCKET. ALLOWS BACKHOE TO GO FROM MOUNTED HAMMER TO BUCKET WITHOUT HAVING TO TAKE OUT PINS. MUST BE BID WITH 24" SIZE TRENCHING BUCKET. (separately priced)

QUICK DISCONNECT KITS KITS SHALL FIT THE FOLLOWING BACKHOE MODEL:

1) 580K 1990

NOTE: ANY MANUFACTURER'S BRAND NAMES MENTIONED WITHIN THESE SPECIFICATIONS MUST BE BID OR THE EQUIVALENT THEREOF.

BID PRICE FOR ALL ITEMS MUST BE - FOB: FORT WAYNE, INDIANA

MAKE: John Deere MODEL: 310C 310C.....$30,934.00
Quick Disconnect....1,660.00

UNIT COST$_____ LESS ANY DISCOUNTS:$_____ TOTAL:$ $32,594.00

DELIVERY TIME ARO: 15 - 60 days VALIDITY OF BID PRICE: 60 days
(IN CALENDAR DAYS)

TRI-RIVER TRACTOR DIV.

Construction Equipment Sales & Service

5400 Industrial Road
Fort Wayne, Indiana 46825

To: Dept. of Purchasing
City of Ft. Wayne, Allen County, Indiana
One Main St. - Room 350

Re: Bid for Loader/Backhoe for Water Maintenance and Service
Dept. Reference #972

Date: 11-15-90

Dear Gentlemen
Please consider our bid for one (1) new John Deere 310C Backhoe Loader as per standard specifications plus the following options to best meet or exceed your bid requirements:

- 19.5L X 24 in. 10PR R4 tubeless rear tires
- 11L X 16 in. 12PR F3 front tires
- Dual H. D. batteries
- Cab with deluxe interior
- 1.25 cu. yd. Multi-Purpose bucket
- Backhoe with extendable dipperstick
- Stabilizers with reversible feet
- Three lever backhoe controls
- Backup alarm
- Tachometer/Hourmeter
- Ether starting aid
- Toolbox
- Two additional front and rear halogen work lights
- SMV emblem
- Selective flow solenoid controlled valve for hydraulic attachments

Net bid price for backhoe loader.....$30,934.00

Wain Roy Rigid Quick Disconnect coupler
with 24 in. trenching bucket.....1,660.00

Total bid price.....$32,594.00

Respectfully Yours

Ed Gensheimer

Ed Gensheimer

BID OR PROPOSAL BOND

THE Cincinnati Insurance Company

CINCINNATI, OHIO

KNOW ALL MEN BY THESE PRESENTS, THAT WE, Tri-River Tractor, Division of A.H. Choitz & Co., Inc.

as principal, and *THE CINCINNATI INSURANCE COMPANY,* a Corporation organized under the laws of the State of Ohio and licensed to do business in the State of Indiana, as surety, are held and firmly bound unto

City of Fort Wayne

as obligee, in the penal sum of ONE THOUSAND SIX HUNDRED THIRTY AND NO/100---------- DOLLARS, lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

SIGNED, sealed and dated this 15th day of November 1990

WHEREAS the said principal is herewith submitting proposal for

New John Deere 310C Backhoe Loader

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal within the period specified therein for acceptance (60 days if no period is specified) and the Principal shall enter into a contract with the said Obligee in accordance with the terms of said bid and give bond for the faithful performance thereof within the period specified (30 days if no period is specified); or if the Principal shall, in the case of failure to do so, indemnify the Obligee against any loss the Obligee may suffer directly arising by reason of such failure, not to exceed the penalty of this bond, then this obligation shall be null and void; otherwise to remain in full force and effect.

Tri-River Tractor, Divisi (SEAL)
of A.H. Choitz & Co., Inc.

By: _____ (L.S.)

THE CINCINNATI INSURANCE COMPANY

By _____
Attorney-in-fact
Lee A. Girvin

S-2000
formerly S-686 (6/71)

Cincinnati, Ohio

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY, a corporation organized under the laws of the State of Ohio, and having its principal office in the City of Cincinnati, Ohio, does hereby constitute and appoint

Lee A. Girvin and/or John W. Lefever

of Columbia City, Indiana its true and lawful Attorney(s)-in-Fact to sign, execute, seal and deliver on its behalf as Surety, and as its act and deed, any and all bonds, policies, undertakings, or other like instruments, as follows:

Any such obligations in the United States, up to Two Hundred Fifty Thousand and No/100 Dollars ($250,000.00).

This appointment is made under and by authority of the following resolution passed by the Board of Directors of said Company at a meeting held in the principal office of the Company, a quorum being present and voting, on the sixth day of December, 1958, which resolution is still in effect:

"RESOLVED, that the President or any Vice-President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the company."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 7th day of December, 1973:

"RESOLVED, that the signature of the President or a Vice-President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary and Treasurer and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

IN WITNESS WHEREOF, THE CINCINNATI INSURANCE COMPANY has caused these presents to be sealed with its corporate seal, duly attested by its President this 15th day of August 1976.

The Cincinnati Insurance Company CORPORATE SEAL OHIO

THE CINCINNATI INSURANCE COMPANY

Robert B. Morgan
President

STATE OF OHIO)
COUNTY OF HAMILTON) ss:

On this 15th day of August 1976, before me came the above named President of THE CINCINNATI INSURANCE COMPANY, to me personally known to be the officer described herein, and acknowledged that the seal affixed to the preceding instrument is the corporate seal of said Company and the corporate seal and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporation.

NOTARIAL SEAL STATE OF OHIO

Henry G. Berlon

HENRY G. BERLON, Attorney At Law
Notary Public State of Ohio
My commission has no expiration date.
Section 147.03 R. C.

I, the undersigned Secretary and Treasurer of THE CINCINNATI INSURANCE COMPANY, hereby certify that the above is a true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in full force and effect.

GIVEN under my hand and seal of said Company at Cincinnati, Ohio.
this 30th day of March 1992

The Cincinnati Insurance Company CORPORATE SEAL OHIO

Robert J. Driehaus
Secretary and Treasurer

BN-1005 (8/76)

TRI-RIVER TRACTOR DIV.

Construction Equipment Sales & Service

5400 Industrial Road
Fort Wayne, Indiana 46825

To: Dept. of Purchasing
City of Ft. Wayne, Allen County, Indiana
One Main St. - Room 350

Re: Bid for Loader/Backhoe for Water Maintenance and Service
Dept. Reference #972

Date: 11-15-90

Dear Gentlemen
Please consider our bid for one (1) new John Deere 310C Backhoe Loader as per standard specifications plus the following options to best meet or exceed your bid requirements:

- 19.5L X 24 in. 10PR R4 tubeless rear tires
- 11L X 16 in. 12PR F3 front tires
- Dual H. D. batteries
- Cab with deluxe interior
- 1.25 cu. yd. Multi-Purpose bucket
- Backhoe with extendable dipperstick
- Stabilizers with reversible feet
- Three lever backhoe controls
- Backup alarm
- Tachometer/Hourmeter
- Ether starting aid
- Toolbox
- Two additional front and rear halogen work lights
- SMV emblem
- Selective flow solenoid controlled valve for hydraulic attachments

Net bid price for backhoe loader.....$30,934.00

Wain Roy Rigid Quick Disconnect coupler with 24 in. trenching bucket.....1,660.00

Total bid price.....$32,594.00

Respectfully Yours

Ed Gensheimer

Ed Gensheimer

BID OR PROPOSAL BOND

THE Cincinnati Insurance Company

CINCINNATI, OHIO

KNOW ALL MEN BY THESE PRESENTS, THAT WE, Tri-River Tractor, Division of A.H. Choitz & Co., Inc.

as principal, and *THE CINCINNATI INSURANCE COMPANY*, a Corporation organized under the laws of the State of Ohio and licensed to do business in the State of Indiana, as surety, are held and firmly bound unto

City of Fort Wayne

as obligee, in the penal sum of ONE THOUSAND SIX HUNDRED THIRTY AND NO/100---------- DOLLARS, lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

SIGNED, sealed and dated this 15th day of November 1990

WHEREAS the said principal is herewith submitting proposal for

New John Deere 310C Backhoe Loader

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal within the period specified therein for acceptance (60 days if no period is specified) and the Principal shall enter into a contract with the said Obligee in accordance with the terms of said bid and give bond for the faithful performance thereof within the period specified (30 days if no period is specified); or if the Principal shall, in the case of failure to do so, indemnify the Obligee against any loss the Obligee may suffer directly arising by reason of such failure, not to exceed the penalty of this bond, then this obligation shall be null and void; otherwise to remain in full force and effect.

Tri-River Tractor, Divisi(O.S.)
of A.H. Choitz & Co., Inc.
By: _____ (L.S.)

THE CINCINNATI INSURANCE COMPANY

By _____
Attorney-in-fact
Lee A. Girvin

S-2000
formerly S-686 (6/71)

Cincinnati, Ohio

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY, a corporation organized under the laws of the State of Ohio, and having its principal office in the City of Cincinnati, Ohio, does hereby constitute and appoint

Lee A. Girvin and/or John W. Lefever

of Columbia City, Indiana its true and lawful Attorney(s)-in-Fact to sign, execute, seal and deliver on its behalf as Surety, and as its act and deed, any and all bonds, policies, undertakings, or other like instruments, as follows:

Any such obligations in the United States, up to
Two Hundred Fifty Thousand and No/100 Dollars ($250,000.00).

This appointment is made under and by authority of the following resolution passed by the Board of Directors of said Company at a meeting held in the principal office of the Company, a quorum being present and voting, on the sixth day of December, 1958, which resolution is still in effect:

"RESOLVED, that the President or any Vice-President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the company."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 7th day of December, 1973:

"RESOLVED, that the signature of the President or a Vice-President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary and Treasurer and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

IN WITNESS WHEREOF, THE CINCINNATI INSURANCE COMPANY has caused these presents to be sealed with its corporate seal, duly attested by its President this 15th day of August 1976.

The Cincinnati Insurance Company CORPORATE SEAL OHIO

THE CINCINNATI INSURANCE COMPANY

Robert E. Morgan
President

STATE OF OHIO)
COUNTY OF HAMILTON) ss:

On this 15th day of August 1976, before me came the above named President of THE CINCINNATI INSURANCE COMPANY, to me personally known to be the officer described herein, and acknowledged that the seal affixed to the preceding instrument is the corporate seal of said Company and the corporate seal and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporation.

Henry G. Berlon

HENRY G. BERLON, Attorney At Law
Notary Public State of Ohio
My commission has no expiration date.
Section 147.03 R. C.

I, the undersigned Secretary and Treasurer of THE CINCINNATI INSURANCE COMPANY, hereby certify that the above is a true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in full force and effect.

GIVEN under my hand and seal of said Company at Cincinnati, Ohio.
this 30th day of March 1990

The Cincinnati Insurance Company CORPORATE SEAL OHIO

Robert J. Dinkens
Secretary and Treasurer

BN-1005 (8/76)

Form No. 95 (Revised 1987)

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: 11-15-90

1. Governmental Unit: City of Ft. Wayne Water Maintenance and Service Dept.
2. County: Allen
3. Bidder (Firm): TriRiver Tractor, Div. of A.H. Choitz & Co., Inc.
   Address: 5400 Industrial Rd.
   City/State: Ft. Wayne, IN 46825
4. Telephone Number: 219-482-8576
5. Agent of Bidder (If applicable): Ed Gensheimer

Pursuant to notices given, the undersigned offers bid(s) to City of Ft. Wayne (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

Ed Gensheimer
Signature of Bidder or Agent

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount
	One	(1)	John Deere 310C Backhoe Loader		$32,594.00

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) SS:
Allen COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Tri-River Tractor, Div. of A.H. Choitz & Co., Inc.
Bidder (Firm)

Ed Gensheimer
Signature of Bidder or Agent

Subscribed and sworn to before me this 15th day of November, 1990.

My Commission Expires: MARCH 3, 1993

Kathleen D. Thomson
Notary Public
KATHLEEN D. THOMSON

County of Residence: ALLEN

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ _____ (Governmental Unit) hereby accepted the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Date: _____

Contracting Authority Members:

_____ _____

_____ _____

_____ _____

Form No. 95 (Revised 1987)

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: 11-15-90

1. Governmental Unit: City of Ft. Wayne Water Maintenance and Service Dept.
2. County: Allen
3. Bidder (Firm): TriRiver Tractor, Div. of A.H. Choitz & Co., Inc.
   Address: 5400 Industrial Rd.
   City/State: Ft. Wayne, IN 46825
4. Telephone Number: 219-482-8576
5. Agent of Bidder (If applicable): Ed Gensheimer

Pursuant to notices given, the undersigned offers bid(s) to City of Ft. Wayne (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

Ed Gensheimer
Signature of Bidder or Agent

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount
	One	(1)	John Deere 310C Backhoe Loader		$32,594.00

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) SS:
Allen COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Tri-River Tractor, Div. of A.H. Choitz Co., I
Bidder (Firm)

Ed Gensheimer
Signature of Bidder or Agent

Subscribed and sworn to before me this 15th day of November, 1990.

My Commission Expires: March 3, 1993

Notary Public
KATHLEEN D. THOMPSON

County of Residence: ALLEN

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ _____. (Governmental Unit) hereby accepted the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Date: _____

Contracting Authority Members:

_____ _____

_____ _____

_____ _____

Read the first time in full and on motion by Burns, seconded by Redd, and duly adopted, read the second time title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held afte due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, da of _____, 19____, at _____ o'clock ____.M.,E.S.

DATED: 6-11-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Burns, seconded by Redd, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
BRADBURY	✓			
BURNS	✓			
EDMONDS	✓			
GiaQUINTA				✓
HENRY	✓			
LONG	✓			
REDD	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 6-25-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ (GENERAL) (SPECIAL) ~~(ZONING MAP)~~ ORDINANCE ~~RESOLUTION~~ NO. S-156-91 on the 25th day of June, 19 91,

ATTEST
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of June, 19 91 at the hour of 1:45 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 2d day of July, 19 91, at the hour of 3:00 o'clock P.M.,E.S.T.

PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Ref. No. 972 for the purchase of one (1) tractor backhoe for the Water Maintenance and Service Department. The cost reflects the lowest and most responsive of three (3) vendors.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: Purchase of tractor backhoe for W M & S.

IF REPLACEMENT, WHAT NECESSITATES:
Replaces worn out piece of equipment in use since 1980, Case tractor 580c. Does not have safety features required today.

EFFECT OF NON-PASSAGE: Continue to use unsafe, worn out, obsolete piece of equipment, that requires numerous and expensive repairs.

PRIOR APPROVAL REQUESTED: S-91-06-17

MONIES INVOLVED: Tri River $32,594.00

PRICE AGREEMENT:

PURCHASE ORDER: Yes

ACCOUNT INFORMATION: W M & S 513-523-B101-4444

PRIOR APPROVAL: DATE:
(IF APPLICABLE)

BILL NO. S-91-06-17

REPORT OF THE COMMITTEE ON CITY UTILITIES

PAUL M. BURNS, CHAIRMAN
CHARLES B. REDD, VICE CHAIRMAN
EDMONDS, LONG, SCHMIDT

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the awarding of Reference #972 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and TRI-RIVER TRACTOR DIVISION for the Water Maintenance & Service Department

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

DO PASS	DO NOT PASS	ABSTAIN	NO REC
Paul M. Burns			
D. Schmidt			
Charles Redd			
Vance Long			
C R Edmonds			

DATED: 6-25-91

Sandra E. Kennedy
City Clerk